

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:19cr177-CWR-LRA

JULIO DIAZ LOPEZ
a/k/a ANIBAL CASILLAS, JR.

DEFENDANT

UNOPPOSED MOTION TO CONTINUE

NOW COMES Defendant Julio Diaz Lopez, by and through his counsel, and respectfully moves this Court to continue the trial and extend the deadlines for discovery, pretrial motions, non-dispositive motions, and plea by date in this matter that is currently set for the October 21, 2019 trial term. In support of this Motion, Mr. Lopez states:

1. Mr. Lopez, an alien in the United States, is charged in a three-count indictment with falsely and willfully representing himself to be a citizen of the United State; did knowingly possess, utter, use and attempt to use a document prescribed by statute and regulation for evidence of authorized stay or employment in the United States, that is a Social Security Card, which card the defendant knew to be forged, counterfeited, altered, and falsely made; for the purpose of obtaining for himself and any other person anything of value from any person, and for any other person, did, with intent to deceive, falsely represent a number to be the social security account number assigned by the Commission of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, in violation of 18 U.S.C. § 911, 18 U.S.C. § 1546, 18 U.S.C. § 2, and 42 U.S.C. § 408(a)(7)(B).

2. This matter is set for trial on the October 21, 2019 trial term before U.S. District Judge Carlton W. Reeves.

3. On or about August 27, 2019, undersigned counsel was appointed to represent Mr. Lopez in this matter.

4. On or about August 29, 2019, undersigned counsel was provided with the discovery in this matter.

5. Mr. Lopez is currently detained in the Tallahatchie Detention Center and undersigned counsel has not had the opportunity to meet with him to review the discovery in this matter.

6. As such, undersigned counsel requests additional time to review and complete discovery in this matter so that he can adequately advise Mr. Lopez regarding the charges, and to prepare a proper defense.

7. Therefore, undersigned counsel requests a continuance of the trial date, motion deadlines, and plea by date in this matter.

8. Further, Defendant agrees to waive the provisions of the Speedy Trial Act for the time period in which a continuance is granted.

9. Undersigned counsel has spoken with Lynn Murray, Assistant U.S. Attorney for the Government, regarding the motion to continue the trial and extend deadlines. Mr. Murray has advised that the Government has no objection to the motion to continue the trial and extend deadlines in this matter.

10. The granting of this motion for continuance serves the ends of justice which outweigh the interests of the public and the defendant in a speedy trial, and that failure to grant the continuance would result in a miscarriage of justice.

11. This motion is not meant to unduly delay or prejudice the prosecution of this case. Instead, counsel for Mr. Lopez files this motion in good faith and out of an abundance of caution.

WHEREFORE, PREMISES CONSIDERED, Defendant moves the Court to grant this motion to continue the trial, extend the motion deadlines, and extend plea by date in this matter.

THIS, the 25th day of September, 2019.

Respectfully submitted,

JULIO DIAZ LOPEZ

BY HIS ATTORNEY
THE HIGH LAW FIRM, PLLC

By: /s/ Terence L. High
TERENCE L. HIGH (MSB #99843)
ATTORNEY FOR JULIO DIAZ LOPEZ

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Terence L. High, do hereby certify that on September 25, 2019, I electronically filed the foregoing Motion to Continue Trial with the Clerk of the Court using the ECF system, which sent notification to the following counsel of record:

Samuel Lynn Murray

Lynn.Murray@usdoj.gov

This, the 25th day of September, 2019.

s/ Terence L. High
TERENCE L. HIGH